**CHAPTER 73C-50**

**BROADBAND OPPORTUNITY PROGRAM**

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# 73C-50.001 Authority; Incorporation

1. In addition to complying with Section 288.9962, F.S., recipients of funds from the Broadband Opportunity Program shall also comply with the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) requirements identified in Title 31 Code of Federal Regulations (CFR) Part 35, (2022);…………., and 87 Fed Reg. 4338 (January 27, 2022)…….. incorporated herein by reference for use throughout this chapter.
2. In instances where the SLFRF provisions differ from the requirements of the Broadband Opportunity Program the SLFRF provisions shall prevail.
3. The following forms are incorporated herein by reference:
	1. Broadband Opportunity Program Grant Application, effective ….., and
	2. Broadband Opportunity Program Scoring and Evaluation Criteria, effective …..

# 73C-50.002 Definitions

The terms used in this part are defined as follows:

1. “Applicant” means an applicant for funding under the Broadband Opportunity Program.
2. “Department” means the Department of Economic Opportunity.
3. “Office” means the Florida Office of Broadband.
4. “Program” means the Broadband Opportunity Program, established within the Florida Office of Broadband for the purpose of expanding broadband internet service to unserved, underserved and rural areas of the state.
5. “Rural” means a rural community as defined in Section 288..0656, F.S.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*

# 73C-50.003 Application Requirements and Process

1. This rule applies to Applicants seeking grant funding under the Broadband Opportunity Program.
2. The grant Program is a cost reimbursement program. Therefore, funding will be provided to grant recipients after expenses have been incurred.
3. Eligibility for the Program is set forth in section 288.9962(3), F.S., and includes corporations, limited liability companies, general partnerships, and limited partnerships organized under the laws of the state of Florida or otherwise authorized to transact business in the state, political subdivisions, and Indian tribes.
4. To be considered for grant funding under the Broadband Opportunity Program, Applicants must submit a Broadband Opportunity Program Grant Application to the Department within the noticed application period. The application period will be noticed at least thirty (30) days in advance by publication in the Florida Administrative Register and by posting on the Department’s website at [www.floridajobs.org/broadband.](http://www.floridajobs.org/broadband)
5. Applications shall be submitted to the Office electronically through the online application portal at [www.floridajobs.org/broadband.](http://www.floridajobs.org/broadband) Applications must be received by the Department by 5:00 pm (Eastern Time) on the last day of the application period. Late applications may not be reviewed. Whether or not a late application will be reviewed will be based on the total dollars requested by all Applicants from the Broadband Opportunity Program Grant for all eligible projects as compared to the total funding appropriated to the Office of Broadband for the Broadband Opportunity Program.
6. The Office will not process applications that are not submitted using the Broadband Opportunity Program Grant Application Form incorporated in subsection (1)a. above.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*

# 73C-50.004 Application Review

1. Within three business days after close of the application process, the Office will publish a list of the proposed unserved areas to be served and the proposed broadband Internet speeds of the areas to be served at [www.floridajobs.org/broadband.](http://www.floridajobs.org/broadband)
2. Thereafter, the Office shall conduct an initial review of all applications for completeness, accuracy, and applicant eligibility. Applications which meet these three criteria will be evaluated and scored pursuant to the scoring and evaluation criteria set forth in the Broadband Opportunity Program Scoring and Evaluation Criteria.
3. After the initial review of the application, the Office will notify the applicant, in writing, of any conditions that must be met to cure application deficiencies to complete the application. Applicants will then be allowed fifteen (15) business days from the date on the notice to correct the deficiency or deficiencies identified in the notice and to resubmit the deficient portions of the application. The date of resubmission is determined as the date a complete submission is received by the Office. After full, timely resubmission to cure application deficiencies, the Office will review the resubmission following the same steps and procedure under this section, beginning at subsection (2) above.
4. Applications received after the resubmission deadline or which do not correct the application deficiency or deficiencies, may not be further evaluated. Whether or not a late application will be reviewed will be based on the total dollars requested by all Applicants from the Broadband Opportunity Program for all eligible projects as compared to the total funding appropriated to the Office of Broadband for the Broadband Opportunity Program.
5. For purposes of this chapter, applications are considered complete when appropriately submitted to the Department with all questions on the Broadband Opportunity Program Grant Application Form answered and all required information and supporting documentation provided.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.* **73C-50.005 Application Challenge Process**

1. A broadband Internet service provider that provides existing service in or adjacent to a proposed project area may submit a challenge to an application. Challenges must be submitted within fortyfive (45) days of the Office’s publication of the list of the proposed unserved areas to be served and proposed broadband Internet speeds of the areas to be served. Challenges must be in writing and contain information demonstrating one or more of the three factors set forth in section 288.9962(6)(c), F.S.
2. Challenges may be submitted to Department of Economic Opportunity 107 East Madison Street, Mail Station #160, Caldwell Building, Tallahassee, Florida 32399-4128, or via email at

Broadband@deo.myflorida.com. Any and all confidential business information or proprietary information must be identified upon submission and a redacted copy of the same material provided to the Office concurrent with when the claim of confidentiality or proprietary protection is asserted.

1. Within three (3) business days of receiving a challenge, the Office will notify the subject applicant of the challenge, in writing, and provide a copy of the challenge. The applicant will be allowed thirty (30) calendar days from the date on the notice of challenge to respond.
2. An applicant’s response should address the factors identified in the challenge. The response should include detailed and concise statements supporting the applicant’s position regarding each factor identified in the challenge and supporting documentation.
3. The Department shall evaluate challenges in accordance with section 288.9962(6)(e) and (f), F.S. The Office will have thirty (30) calendar days to review an applicant’s response and to make a determination.
4. The Office shall publish a list of all grant applications received and all written challenges and the results of those challenges on its website at [www.floridajobs.org/broadband](http://www.floridajobs.org/broadband) in accordance with section 288.9962(10), F.S.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*

# 73C-50.006 Evaluation Criteria

1. **Evaluation Criteria:** The specific criteria and quantitative scoring system used to evaluate and rank applications to receive funding from the Broadband Opportunity Program shall be posted during the noticed application period on the Department’s website at [www.floridajobs.org/broadband.](http://www.floridajobs.org/broadband)
2. **Scoring and Evaluation Criteria**: Applications will be scored as set forth in the Broadband Opportunity Program Scoring and Evaluation Criteria Form in the following scoring categories:
	1. Broadband Impact
	2. Network Scalability
	3. Project Viability and Sustainability
	4. Economic Distress
	5. Funding Sources and Community Support
	6. Alignment with State Strategic Plan
	7. Project Readiness
	8. Affordability and Strategies to Encourage Adoption of Broadband Services
3. Scores awarded under each category will be added, and the resulting sum shall constitute the total score for the applicant.
4. Valid applications from eligible Applicants with the highest numerical rankings will be selected for funding.
5. The number of projects funded will be determined by the total available funding.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*

# 73C-50.007 Grant Awards

1. Eligible applicants must obtain a minimum evaluation score of 130 points to be considered for funding, however this does not guarantee an award.
2. Funding under the Broadband Opportunity Program shall be awarded in accordance with Section 288.9962(8), F.S.
3. Grant awards shall not exceed $5 million for a single project.
4. Grant awards may not fund more than 50 percent of the total cost of the project, when combined with any state or local funds.
5. Successful Applicants will be notified in writing and will be required to enter into a written grant agreement with the Department according to the terms and conditions specified in section 288.9962(9), F.S. and in accordance with all other applicable laws. The grant recipient shall not receive any funding from the Broadband Opportunity Program until a grant agreement is entered into between the Department and the recipient.
6. All grant funds awarded must be fully obligated by December 31, 2024, and expended by December 31, 2026.
7. Of the total appropriated dollars, after subtracting any allowable administrative funds, the Office will initially set aside forty percent (40%) for eligible project applications within a rural area. If all set aside dollars are not awarded, the set aside will no longer apply and all remaining dollars will be awardable to eligible project applications.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*

# 73C-50.009 Grant Closeout

1. The grant closeout process will begin at the expiration or termination of the grant agreement.
2. Upon determination by the Department that all of the terms and conditions of the grant agreement have been met and final payment has been issued, the Department will prepare a closeout agreement and forward the agreement to the grant recipient for review and signatures.
3. The grant recipient must return the signed closeout agreement to the Office, along with any other required documentation within 45 days after the expiration or termination of the grant agreement. A grant recipient who fails to return a signed grant closeout agreement to the Office will not be eligible to receive payment for any other grant from the Department until the recipient returns the closeout agreement and completes the Program grant closeout process.

*Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.*